

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

MAEGAN KILCLINE, on behalf of all	:	
beneficiaries of MARK KILCLINE and	:	
KATHLEEN KILCLINE, Individually,	:	
Plaintiffs,	:	
	:	
v.	:	C.A. No.: 10-432S
	:	
EDWARD A. CHARBONEAU, et al .	:	
Defendants	:	

MOTION TO CONFIRM SETTLEMENT

Now come the Plaintiffs in the above-captioned matter and move this Honorable Court for confirmation of a settlement of this civil action. Pertaining thereto, the Plaintiffs state:

1. Plaintiff Maegan Kilcline, the sister of decedent Mark Kilcline, is named in the complaint as a representative of all beneficiaries.
2. Kathleen Kilcline, mother of the decedent Mark Kilcline, is named as an individual plaintiff.
3. Mark Kilcline died intestate on April 1, 2013.
4. The complaint filed on behalf of the plaintiffs seeks recovery for wrongful death, loss of consortium and pain and suffering.
5. The parties to this action arrived at an agreed settlement of all claims in an amount of \$7,000,000.00.
6. All named parties to this action seek to conclude the settlement of all pending claims.
7. At a hearing on the within Motion to Confirm, plaintiffs will seek apportionment by the Court of the proceeds that remain after payment of fees, expenses and liens.

8. Brian McCormick, the biological father of the decedent, is a beneficiary of the estate of Mark Kilcline and is not represented in this matter by counsel to the plaintiffs.

9. The plaintiffs are notifying Brian N. McCormick of the settlement of this action, of his right to appear before this Court at the hearing on the within Motion to Confirm Settlement, and his right to be represented by counsel. Such notification is being accomplished by personal service, regular mail and certified mail, return receipt requested on Brian N. McCormick at 15 Ralston Street, Warwick, Rhode Island 02888 and 12 Valiant Drive, Coventry, Rhode Island 02816 in the form attached hereto as *Exhibit 1*.

10. Plaintiffs will submit to the Court a proposed distribution of the proceeds that remain after payment of fees, expenses and liens following return of service on Brian McCormick of the documents attached as Exhibit 1, including notice of his right to retain counsel.

11. The within Motion is unopposed by defendants.

WHEREFORE, the plaintiffs move this Honorable Court conduct a hearing to apportion the settlement proceeds that remain after payment of fees, expenses and liens.

Plaintiff,
By his Attorneys,

/s/ Miriam Weizenbaum
Amato A. DeLuca (#0531)
Miriam Weizenbaum (#5182)
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	:	
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CERTIFICATION

I hereby certify that this document was filed through the ECF system on this 27th day of November 2013 and will be sent electronically to the registered participants identified on the Notice of Electronic Filing (NEF) and that papers copies have been sent to those indicated as non-registered participants and the following via regular mail, certified mail, return receipt requested and personal service:

Brian N. McCormick
15 Ralston Street
Warwick, RI 02888

Brian N. McCormick
12 Valiant Drive
Coventry, RI 02816

/s/Miriam Weizenbaum
Miriam Weizenbaum